



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

MAR 07 2013

Mr. Glenn H. Rider, II, Director  
Bureau of Conservation and Restoration  
Department of Environmental Protection  
Rachel Carson State Office Building  
400 Market Street  
Harrisburg, Pennsylvania 17101

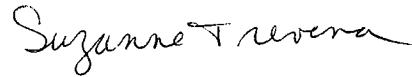
Dear Mr. Rider:

The Environmental Protection Agency (EPA) would like to congratulate the Pennsylvania Department of Environmental Protection (PADEP), Nonpoint Source Program (NPSP), for the successful development and implementation of nonpoint source restoration projects across the Commonwealth. PADEP is also to be commended for the reporting of several water quality restoration efforts that have helped the Commonwealth to achieve its overall water quality goals. As a result, EPA has determined that the PADEP has achieved Satisfactory Progress in their NPSP for Federal Fiscal Year 2012 (FFY12). Enclosed, please find the Progress Review for Pennsylvania Department of Environmental Protection's Nonpoint Source Program – FFY12.

The FFY12 Section 319 NPSP grant to Pennsylvania included both "base" and "incremental" funding. The "base" Section 319 funding supports ongoing program management and administration as well as an occasional NPS implementation demonstration project. The "incremental" program supports many watershed restoration projects in state priority watersheds such as the Conewago, Conowingo and Upper Kish agricultural watersheds; AMD watersheds including Six Mile Run/Sandy Creek projects. Urban stormwater projects were funded in Crouse Run, Shupe Run (Mt. Pleasant) and North Fork Pine. These projects will contribute toward the attainment of Water Quality Standards set for each particular stream segment. Pennsylvania now has 35 watershed implementation plans (WIPs) approved and in place. Pennsylvania is a leader in their use of the Watershed Plan Tracker. To date, 21 WIPs are included in the Tracker.

Thank you for your continued dedication to the development of WIPs and the implementation of watershed restoration projects. These efforts continue to support significant water quality improvements across the state. Should you have any questions please contact Susan McDowell at (215) 814-2739 or Fred Suffian at (215) 814-5753 of my staff.

Sincerely,



Suzanne Trevena  
Acting Associate Deputy Director  
Office of State and Watershed Partnerships

Enclosure

cc: Steve W. Taglang, Chief, Division of Conservation, Bureau of Conservation and Restoration, PA DEP  
Douglas Goodlander, PA DEP, Conservation Program Manager  
Susan McDowell, EPA Region 3  
Fred Suffian, EPA Region 3



**Commonwealth of Pennsylvania, FFY 2012 Nonpoint Source Program,  
Satisfactory Performance Determination  
March 4, 2013**

**1. Meeting Statutory and Regulatory Requirements and Demonstrating Water Quality Results**

A. Section 319(h)(8) requires EPA to determine if a state has made satisfactory progress in meeting a schedule of annual milestones to implement its NPS management program.

- i) Does the state's NPS management program include relevant, up-to-date and trackable annual milestones for program implementation?

**Yes, the Commonwealth updated their NPS Management Plan in 2008 and the plan contains trackable goals. PA DEP plans to revisit their 2008 NPS Management Plan and update/revise to reflect current and future goals and objectives in 2013/2014.**

- ii) If the state does not yet include up-to-date annual milestones in its NPS management program, in what document(s) is this schedule located?

- iii) Has the state reported its progress in the annual report required under CWA section 319(h)(11) in meeting its milestone(s) for the preceding fiscal year?

**Yes, the Commonwealth reports progress in meeting their milestones in their Annual NPS Program Report.**

- iv) Has the state demonstrated satisfactory progress in meeting its schedule of milestone(s) for the preceding fiscal year? Briefly elaborate. (If no, in accordance with CWA section 319(h)(8), the 319 grant award for the coming year cannot be awarded.)

**Yes.**

B. Section 319(h)(11) requires each state to report on an annual basis reductions in NPS pollutant loading and improvements in water quality.

- i) For all active projects that have NPS reduction goals for nutrients or sediment, did the state report load reductions (WQ-9) into GRTS during the reporting period after the first year that practices were installed or implemented achieved?

**Yes.**

- ii) Considering projects and activities from all open grants as applicable, has the state reported improvements in water quality resulting from implementation of its NPS management program and/or previous years' section 319(h) grant work plans? (e.g., reporting on SP-12 or other improvements such as shellfish bed and beach openings that have not yet led to attainment of water quality standards)?

**Yes, the information is included in the Commonwealth's Annual Report.**

- iii) Did the state meet its annual commitment/target/goal (if any) under WQ-10 to remove impaired waters from the 303(d) list?

**Yes, the Commonwealth met and exceeded their commitment for FY 2012. Two success stories were published in 2012. Three waterbodies are listed as fully restored in the 2012 annual report. Additionally, 19.9 miles of nonpoint source impaired streams, now attaining designated uses, were listed in the Commonwealth's 2012 Integrated List of All Waters.**

## **2. Overall GRTS Reporting**

For this section, it is sufficient to report on the results of previously conducted post-award grants monitoring. No additional monitoring may be needed.

- A. To ensure that the state meets the reporting requirements in section 319(h)(11), did the state enter all mandated data elements into GRTS (including geolocational tags where available) for all applicable projects in the previous section 319 grant award?

**Yes, within 90 days of grant award.**

## **3. Focus on Watershed-Based Implementation**

For this section, it is sufficient to document the results of previous findings, if this was determined during the Region's reviews of the state's active grant work plans.

- A. Is the state implementing nine-element watershed-based plans – or approved alternative plans - at required grant expenditure levels in accordance with EPA's guidelines for CWA section 319(h) grants? That is, in FY14 and subsequent years, was 50% of the state's grant used to implement watershed based plans, unless the state provided state funding for watershed projects equal to its total section 319 allocation? If no, please explain.

**Yes, the Commonwealth uses 80% or more of their incremental funding to implement 9 element watershed based plans. The Commonwealth has been very cooperative in working with the Region in entering and managing data in GRTS and the Watershed Plan Tracker.**

#### **4. Ensuring Fiscal Accountability**

For this section, it is sufficient to briefly report on the results of previously conducted grants management and oversight required of all grants.

**A. Tracking and Reporting.** For all active section 319(h) grants, using existing post-award monitoring or best professional judgment:

- i) Is the state's RFP process efficient and timely for selecting and funding projects within the work plan timeframe?

**Yes.**

- ii) Did the State obligate all of the 319(h) funds in the previous year's award within one year per current 319 grant guidelines?

**Yes; the Commonwealth obligates their funding within one year of the grant award.**

**B. Rate of Expenditures.** Commonwealth of Pennsylvania

Appropriation Year	Grant Number	Initial Award	Cumulative Award	Anticipated Project Completion Date	Obligated Amount	Draw Down Amount	%ULO (Unliquidated Obligation)	% Grant Budget Expended (Avg. of All Grant Years)	Currently Available Funds (Balance or ULO)
<u>2008</u>	<u>00349808</u>	<u>\$5,730,000</u>	<u>\$5,730,000</u>	<u>9/30/2012</u>	<u>\$5,730,000</u>	<u>5,730,000</u>	<u>0%</u>	<u>100%</u>	<u>0</u>
<u>2009</u>	<u>00349809</u>	<u>\$4,445,245</u>	<u>\$5,698,000</u>	<u>9/30/2013</u>	<u>\$5,698,000</u>	<u>4,535,403</u>	<u>20%</u>	<u>80%</u>	<u>1,162,597</u>
<u>2010</u>	<u>00349810</u>	<u>\$5,315,745</u>	<u>\$5,713,000</u>	<u>9/30/2013</u>	<u>\$5,713,000</u>	<u>2,211,944</u>	<u>61%</u>	<u>39%</u>	<u>3,501,056</u>
<u>2011</u>	<u>00349811</u>	<u>\$5,003,815</u>	<u>\$5,003,815</u>	<u>9/30/2014</u>	<u>\$5,003,815</u>	<u>1,414,353</u>	<u>72%</u>	<u>28%</u>	<u>3,589,462</u>
<u>2012</u>	<u>00349812</u>	<u>\$4,609,000</u>	<u>\$4,609,000</u>	<u>9/30/2015</u>	<u>\$4,609,000</u>	<u>696,900</u>	<u>85%</u>	<u>15%</u>	<u>3,912,100</u>
<b>Grand Total</b>					<b>\$26,753,815</b>	<b>14,588,600</b>	<b>48%</b>	<b>52%</b>	<b>12,165,215</b>

- i) Relying on best professional judgment, do the figures in the Rate of Expenditures chart substantially match the expected drawdown rates or the negotiated outlay strategy from the associated grant work plan schedules? If not, briefly explain.

**Yes; in addition, baseline monitoring is performed on all open grants annually.**

## **5. PPG Considerations**

For states that include section 319 funds in Performance Partnership Grants (PPGs), briefly report on the following.

- A. Has the state followed the goals, objectives and measures of the national program guidelines and priorities in implementing its NPS program? If not, did the state negotiate with the EPA region a work plan that differs significantly from the NPM guidance? (If yes, the EPA Region was required to consult with the NPS NMP.) Please explain.  
NA
- B. Do PPG priorities and commitments include relevant, up-to-date and trackable annual milestones for implementation of state's NPS management program?  
NA
- C. Using best professional judgment, has the state adequately documented progress consistent with its priorities and commitments?  
NA

## **6. Identifying and Addressing Performance Issues/Progress Concerns**

- A. Considering issues itemized on this checklist, briefly summarize any significant outstanding section 319 grant performance issues or progress concerns, including recommendation(s) for corrective action(s).

**There are no significant outstanding 319 grant performance issues or progress concerns. EPA and the Commonwealth are working together to enter information into GRTS and the Watershed Plan Tracker and making adjustments accordingly. Following is a summary of Commonwealth progress and other metrics used by the Region to track Satisfactory Progress.**

- **Pennsylvania has no mandated errors for the reporting period.**
- **Pennsylvania has achieved a level of 97% for 'on schedule' projects, exceeding the regional goal of 75% of projects with an 'on schedule' status. Only one project, #1026 is considered behind schedule.**

- **Ninety- eight percent of projects in open grants have appropriately dated evaluations.**
- **Seventy-three percent of Pennsylvania's Projects with Actionable BMPs that have load reductions 1 year after start date have been reported in GRTS. Please record load reductions when they have been determined. Priority years are 2009 and 2010 for the input of load reduction information.**
- **One hundred percent of Pennsylvania's BMP implementation projects are geo-referenced in GRTS.**

**To date, 21 of 37 watershed implementation plans have been entered into the watershed plan tracker, with 13 additional plans initiated.**

- B. Are there other significant outstanding section 319 grant performance issues or progress concerns that were not identified through this checklist? If so, please describe, including any recommendation(s) for corrective action(s), as may be appropriate.

**No.**